

Assembly Bill No. 1249

CHAPTER 280

An act to amend Sections 19315 and 19348 of the Food and Agricultural Code, relating to animals, and making an appropriation therefor.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, Galgiani. Inedible kitchen grease transporters: dead animal haulers.

(1) Existing law regulates transporters of inedible kitchen grease, and requires those transporters to be registered and pay a specified registration fee. Existing law also authorizes the Department of Food and Agriculture to assess an additional fee on transporters of inedible kitchen grease, as specified, for purposes of administering the provisions regulating these transporters. Under existing law, this additional fee authority will become inoperative on July 1, 2010, and will be repealed on January 1, 2011. Other provisions of existing law make a violation of these provisions a crime and require the funds collected to be deposited into the continuously appropriated Food and Agriculture Fund.

This bill would extend the operation of these provisions until July 1, 2015, and would repeal them on January 1, 2016. By extending the operation of an existing crime, this bill would impose a state-mandated local program.

By extending the operation of these provisions of law requiring collection and deposit of funds into a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law prohibits a dead animal hauler or any other person from transporting any dead animal to any place, other than to certain specified facilities or destinations, unless a certain waiver is granted by the State Veterinarian. Existing law makes a violation of these provisions a crime.

This bill would also make that prohibition inapplicable when a waiver is granted by the State Veterinarian in conjunction with implementation of a state of emergency or local emergency, as defined. The bill would authorize the Secretary of Food and Agriculture to issue a master or individual permit to a licensed renderer, collection center, or dead animal hauler for the purpose of authorizing transport of a dead animal to an appropriately permitted landfill under certain circumstances.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The rendering industry is a critical health and safety infrastructure for California. Rendering is an effective tool to eliminate many human and animal disease pathogens, protects our groundwater and air resources, and greatly reduces greenhouse gas emissions compared to other alternative disposal options.

(b) Rendering is the process of recycling waste animal tissue into stable, value-added materials. Every year rendering recycles approximately 59 billion pounds of perishable material generated by the livestock and poultry meat and poultry processing, food processing, supermarket, and restaurant industries. The rendering industry turns this material into valuable ingredients such as biofuels, various soaps, paints and varnishes, cosmetics, explosives, toothpaste, pharmaceuticals, leather, textiles, and lubricants used daily in most households.

(c) Following a heat wave in California's San Joaquin Valley where thousands of livestock perished, overwhelming our carcass handling infrastructure, the Department of Food and Agriculture (DFA) and the California Environmental Protection Agency (CalEPA) formed the Emergency Animal Disposal Workgroup. The mission of the workgroup is to make recommendations in regards to improvement of any legal, procedural, technical, or other issues related to the existing emergency animal disposal structure to streamline emergency animal carcass disposal while protecting public health, animal health, and the environment. The workgroup is cochaired by DFA and CalEPA and has members who represent local, state, and federal government agencies, animal agriculture, renderers, and the waste management industry.

SEC. 2. Section 19315 of the Food and Agricultural Code is amended to read:

19315. (a) Except as provided in subdivision (b), in addition to the registration fee required by Section 19312, the department may charge a fee necessary to cover the costs of administering this article. Any additional fee charged pursuant to this section shall not exceed three hundred dollars (\$300) per year per vehicle that is operated to transport kitchen grease, and shall not exceed three thousand dollars (\$3,000) per year per registered transporter.

(b) An individual registered pursuant to this article who transports inedible kitchen grease for his or her own personal, noncommercial use as an alternative fuel is exempt from 75 percent of the fee charged pursuant to subdivision (a), and shall meet all of the following requirements:

(1) The individual shall meet all other requirements of this article.

(2) The individual shall not transport more than 55 gallons of inedible kitchen grease per load for that purpose, and shall have no more than 165 gallons of inedible kitchen grease in his or her possession or control at any time.

(3) The individual shall not take any inedible kitchen grease from a container owned by another registered transporter of inedible kitchen grease or from an inedible kitchen grease provider under contract with a registered transporter of inedible kitchen grease or from a container owned by a renderer or collection center.

(4) The individual shall have a document in his or her possession while transporting inedible kitchen grease signed by the responsible party providing the inedible kitchen grease to the individual at the source of the inedible kitchen grease that provides permission for the inedible kitchen grease to be removed from that site.

(5) The individual shall specify where the inedible kitchen grease is stored and processed as an alternative fuel, if that address is different from the address included on the registration form for that individual pursuant to Section 19312.

(6) The individual shall not sell, barter, or trade any inedible kitchen grease.

(c) The secretary shall fix the annual fee established pursuant to this section and may fix different fees for transporters of inedible kitchen grease and collection centers, and for transporters of interceptor grease. The secretary shall also fix the date the fee is due and the method of collecting the fee. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) of Section 19227 and an additional fee is imposed on registered transporters pursuant to subdivision (a), only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to this article, which fee shall be the higher of the two fees.

(d) If the fee established pursuant to this section is not paid within one calendar month of the date it is due, a penalty shall be imposed in the amount of 10 percent per annum on the amount of the unpaid fee.

(e) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

(f) For the purposes of this section, “interceptor grease” means inedible kitchen grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

SEC. 3. Section 19348 of the Food and Agricultural Code is amended to read:

19348. (a) Unless a waiver is granted by the State Veterinarian in conjunction with implementation of Section 9562 or a declaration of a state of emergency or local emergency, as defined in subdivisions (b) and (c) of Section 8558 of the Government Code, pursuant to the California Emergency

Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code), no dead animal hauler or any other person shall transport any dead animal to any place, other than to a licensed rendering plant, a licensed collection center, an animal disease diagnostic laboratory acceptable to the department, the nearest crematory, or to a destination in another state that has been approved for that purpose by the appropriate authorities in that state.

(b) The secretary may issue a master or individual permit to a licensed renderer, collection center, or dead animal hauler for the purpose of authorizing transport of a dead animal to an appropriately permitted landfill under either of the following circumstances:

(1) During a proclaimed state of emergency or local emergency, as defined in subdivisions (b) and (c) of Section 8558 of the Government Code.

(2) When the licensed hauler has certification from a licensed renderer, that the licensed renderer cannot process the dead animal due to operational conditions or legal or regulatory requirements or constraints. The certification shall be in a form approved by the department and, for purposes of this paragraph, “licensed hauler” shall include licensed collection centers and renderers.

(c) Nothing in this section shall be interpreted to conflict with any state or federal environmental or zoning law, or to prohibit an owner of a live animal from burying the animal on the owner’s property after the animal dies if the burial is within three miles of where the animal died.

(d) Subdivision (a) does not apply to the Department of Transportation or to local agencies having jurisdiction over a road or highway when engaged in removing animal carcasses from the road or highway.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.